

Translation

PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)

Rec'd PCT/PTO 21 MAR 2005

PCT/EP2003/009138



Applicant's or agent's file reference 2002P15505WO	FOR FURTHER ACTION See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416)	
International application No. PCT/EP2003/009138	International filing date (day/month/year) 18 August 2003 (18.08.2003)	Priority date (day/month/year) 19 September 2002 (19.09.2002)
International Patent Classification (IPC) or national classification and IPC H04Q 7/22		
Applicant SIEMENS AKTIENGESELLSCHAFT		

1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.

2. This REPORT consists of a total of 6 sheets, including this cover sheet.

☐ This report is also accompanied by ANNEXES, i.e., sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).

These annexes consist of a total of _____ sheets.

3. This report contains indications relating to the following items:

- I ☒ Basis of the report
- II ☐ Priority
- III ☐ Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- IV ☐ Lack of unity of invention
- V ☒ Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- VI ☐ Certain documents cited
- VII ☐ Certain defects in the international application
- VIII ☐ Certain observations on the international application

Date of submission of the demand 10 March 2004 (10.03.2004)	Date of completion of this report 16 September 2004 (16.09.2004)
Name and mailing address of the IPEA/EP	Authorized officer
Facsimile No.	Telephone No.

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.

PCT/EP2003/009138

I. Basis of the report

1. With regard to the elements of the international application:*

- ☐ the international application as originally filed
- ☒ the description:
 pages _____ 1-12 _____, as originally filed
 pages _____, filed with the demand
 pages _____, filed with the letter of _____
- ☒ the claims:
 pages _____ 1-13 _____, as originally filed
 pages _____, as amended (together with any statement under Article 19
 pages _____, filed with the demand
 pages _____, filed with the letter of _____
- ☒ the drawings:
 pages _____ 1/1 _____, as originally filed
 pages _____, filed with the demand
 pages _____, filed with the letter of _____
- ☐ the sequence listing part of the description:
 pages _____, as originally filed
 pages _____, filed with the demand
 pages _____, filed with the letter of _____

2. With regard to the language, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language _____ which is:

- ☐ the language of a translation furnished for the purposes of international search (under Rule 23.1(b)).
- ☐ the language of publication of the international application (under Rule 48.3(b)).
- ☐ the language of the translation furnished for the purposes of international preliminary examination (under Rule 55.2 and/or 55.3).

3. With regard to any nucleotide and/or amino acid sequence disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

- ☐ contained in the international application in written form.
- ☐ filed together with the international application in computer readable form.
- ☐ furnished subsequently to this Authority in written form.
- ☐ furnished subsequently to this Authority in computer readable form.
- ☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
- ☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

4. ☐ The amendments have resulted in the cancellation of:

- ☐ the description, pages _____
- ☐ the claims, Nos. _____
- ☐ the drawings, sheets/fig _____

5. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).**

* Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rule 70.16 and 70.17).

** Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report.

V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement**1. Statement**

Novelty (N)	Claims	2-10, 12, 13	YES
	Claims	1, 11	NO
Inventive step (IS)	Claims		YES
	Claims	1-13	NO
Industrial applicability (IA)	Claims	1-13	YES
	Claims		NO

2. Citations and explanations

This report makes reference to the following documents:

D1: WO 02/19741

D2: 3GPP TS 22.146 version 5.2.0 Release 5
"Universal Mobile Telecommunication System (UMTS);
Multimedia Broadcast/Multicast Service (MBMS); Stage
1"; XP002208067.

1. The present application does **not** meet the requirements of PCT Article 33(2), because the subject matter of **claim 1** lacks novelty.

D1 discloses (see D1: page 4, line 19 to page 5, line 22; figure 1), thereby corresponding to all of the features of **claim 1**, a method for transmitting reference data in a mobile communication system (see D1: page 4, lines 19 to 20) with at least one mobile network control device (see D1: figure 1, "102"), at least one base station (see D1: figure 1, "104", "106") and at least one subscriber station (see D1: figure 1, "108", "110", "112"), the at least one base station and each of the subscriber stations being connected via a mobile communication interface (see D1: page 5, lines 10 to 12), the mobile network

control device being connected to an access device (see D1: figure 3, "300") of a core network (see D1: figure 1, "118"), the reference data being provided as a service to several subscribers (see D1: page 4, lines 19 to 20, "multicast"), the subscriber stations of these subscribers being notified of the service before the reference data is transmitted (see D1: page 6, line 18 to page 9, line 7), the notification sent to the subscriber stations of these subscribers comprising, at least in part, a response request (see D1: page 7, lines 6 to 11) and at least a portion of the reference data transmission taking place after receipt of the response (see D1: page 7, lines 11 to 31).

Therefore, the subject matter of **claim 1** lacks novelty (PCT Article 33(2)).

Furthermore, it should be noted that, even if the objection with respect to a lack of **novelty** were called into question by the applicant on the basis of negligible differences between the features of **claim 1** and those of the method described in D1, the subject matter of **claim 1** cannot be regarded as involving an **inventive step** (see PCT Article 33(3)) with respect to the disclosure of D1 and the standard knowledge of a person skilled in the art of mobile communication systems and corresponding multicast methods, since D1 relates to the same technical problem as that to be solved by the present invention and discloses a solution of the same type as that in **claim 1**.

2. The same observations as those made above with respect to **claim 1** apply to independent **claim 11**,

since claim 11 has the same combination of features as claim 1 in the form of a device claim.

Therefore, neither novelty (see PCT Article 33(2)) nor an inventive step (see PCT Article 33(3)) can be acknowledged for the subject matter of the present claim 11.

3. Dependent claims 2 to 10 and 12 to 13 also fail to contain any additional features that, in combination with the features of any claim to which they refer, could lead to subject matter involving an inventive step (PCT Article 33(3)), since the features of these claims are merely developments of the method and the device in claim 1 and claim 11, respectively, that are directly derivable from documents D1 (for claims 2, 3 and 12: see D1: page 14, lines 5 to 10; for claim 4: see D1: page 14, line 27 to page 15, line 3; for claims 8 and 9: see D1: page 7, lines 13 to 16; for claim 10: see D1: page 6, line 35 to page 7, line 2) or D2 (for claims 5, 6, 7 and 13: see D2: pages 8 to 9, paragraph 4.2.1), or are considered by a person skilled in the art of mobile communication systems and corresponding multicast methods to be generally known and obvious design details.

Therefore, the subject matter of the above-mentioned dependent claims is not inventive (see PCT Article 33(3)).

4. Consequently, claims 1 to 13 meet only the requirements for industrial applicability (see PCT Article 33(4)).